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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-sixth session
6-24 March 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Lesotho

1. The Committee considered the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Lesotho, submitted as one document (CERD/C/337/Add.1), at its 1389th and 1390th meetings (CERD/C/SR.1389 and 1390), held on 17 and 20 March 2000. At its 1396th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral information provided by the high-level delegation. It also thanks the State party for its additional updated report which not only contains useful information that was not included in the report but also gives a more candid assessment of matters relating to racial discrimination on the territory of the State party.

3. The Committee welcomes the opportunity to resume the dialogue with the State party after a 16-year hiatus.

B. Positive aspects

4. The Committee welcomes the constitutional status granted to the protection of human rights and the recognition of the principle of equality of persons in the State party's Constitution, in particular section 18, designed to preclude any form of discrimination, including racial discrimination.

C. Concerns and recommendations

5. The Committee is concerned about the recent incidents of tension between Lesotho nationals and Asian and South African white factory owners which resulted in kidnapping, violence and the flight of about 100 Asian nationals from the country for fear of persecution. The Committee recommends that the State party take measures to resolve the underlying socio-economic causes of these events. In this context, the Committee draws the attention of the State party to General Recommendation XI on non-citizens and the obligation to report fully on legislation concerning foreigners and its implementation. It therefore requests that more detailed information be included in the State party's next report on the situation and rights of non-nationals residing in the country.

6. The Committee notes the non-self-executing character of international conventions in the State party and would like to have more information on the status of the Convention.

7. The Committee is concerned about increasing expressions of xenophobia resulting in acts of racial discrimination. The Committee is further concerned about the absence from the 1971 Race Relations Order of a comprehensive legislative framework prohibiting and penalizing such acts. Taking note of information provided by the delegation on the State party's intention to review the legislation in this respect, the Committee encourages the State party to establish appropriate and effective remedies and recourse mechanisms and to implement fully all its obligations under articles 2, 4 and 6 of the Convention.

8. The State party is invited to provide further information in its next report about: (a) the ethnic composition of the population and (b) measures taken to implement article 7 of the Convention.

9. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

10. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

11. The Committee recommends that States party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

12. The Committee recommends that the State party's next periodic report, which is due on 4 December 2000, be a comprehensive report and that it address the points raised in the present observations.